(8)

CF-186

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 69 OF 2003

PETITIONER : Leeladhar Prasad Yadav, son of Shri Dayaram Yadav, aged about 53 years, Revenue Inspector, posted at Revenue Circle, Chanderpur, Tehsil Dabhra, District Janjgir Champa, (C.G.)

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Department of Revenue, D.K.S.Building, Raipur, (C.G.)

: 2. Additional Secretary, Department of Revenue, State of Chhattisgarh, Raipur, (C.G.)

: 3. Commissioner, Land Record, State of Chhattisgarh, Raipur, (C.G.)

: 4. Collector, Janjgir Champa, District Janjgir Champa, (C.G.)

P. R. No. 11/1/2003
Presented by Shri L.S.Patel
dated 13/1/2003.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(42)

# आदेश पत्रक

मामला क्रमांक W.P. No. 69/2003 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**05/03/2003**

Shri H.S. Patil, counsel for the petitioner.

Shri Sanjay K. Agarwal, Dy.A.G. with Smt. Anju Ahuja, PL for the State.

The challenge in this petition is to the order dated 24/12/2002 (Annexure P/1) whereby the petitioner, who was posted as Revenue Inspector in Revenue Circle, Chanderpur, Tehsil Dabhra, District Janjgir champa, has been transferred in the same capacity to District Dantewada.

According to the petitioner, the order is liable to be quashed as it violates the transfer policy as it has been passed during the ban period and when the half of the academic session is practically over. It is submitted by the counsel for the petitioner that the petitioner had sustained a fracture on his right leg due to accident and his treatment is going in Kirodimal Hospital, Raigarh. It is also stated that the petitioner is a President of the District Unit of Chhattigarh Rajaswa Nirikshak Sangh and his children are also studying in Class Xth in the Government High School, Medwa, District Janjgir Champa and they are to appear in the final examination which is to be held in March, 2003. It is also stated that his transfer at this point of time will adversely affect his children's studies as the academic session is coming to an end and the Xth Board Examination is to commence shortly.

Having heard learned counsel, the Court is of the opinion that these are the matters which should be considered by the

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P. 69/03 सन् 200

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State Government. Accordingly, the writ petition is disposed of with a direction that in case the petitioner submits a representation to the State Government regarding his transfer, the same shall be considered and disposed of by the appropriate authority on its own merits on which the Court is not expressing any opinion. However, looking to the fact that the transfer is at a time particularly when the half of the academic session is over, the petitioner may at any rate, be permitted to remain at the present place of posting till 30/4/2003 so that the studies of the petitioner's children who are to appear in Xth Board Examination, are not affected.

With the above observations and directions, this writ petition stands disposed of. Consequently, M.W.P. 80/2003for stay and I.A.No. 376/2003 for urgent hearing also stand disposed of.

**Sd/-**
**P. C. Naik**
**Judge**

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